

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

RowVaughn Wells, Individually and as
Administratrix Ad Litem of the Estate of
Tyre Deandre Nichols, deceased.

Case No. 2:23-CV-02224

Plaintiff,

vs.

**PLAINTIFF’S UNOPPOSED
MOTION FOR LEAVE TO FILE
BRIEF IN EXCESS OF LIMIT
SET BY LOCAL RULE 12.1(b)**

The City of Memphis, a municipality;
Chief Cerelyn Davis, in her official capacity;
Emmitt Martin III, in his individual capacity;
Demetrius Haley, in his individual capacity;
Justin Smith, in his individual capacity;
Desmond Mills, Jr., in his individual capacity;
Tadarrius Bean, in his individual capacity;
Preston Hemphill, in his individual capacity;
Robert Long, in his individual capacity;
JaMichael Sandridge, in his individual capacity;
Michelle Whitaker, in her individual capacity;
DeWayne Smith, in his individual capacity and
as an agent of the City of Memphis.

Defendants.

**PLAINTIFF’S UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF IN EXCESS
OF LIMIT SET BY LOCAL RULE 12.1(b)**

Plaintiff, RowVaughn Wells, individually and as Administratrix Ad Litem of the Estate of Tyre Deandre Nichols, by and through her attorneys, hereby moves for leave to file Plaintiffs’ Response in Opposition to Defendants City of Memphis, Chief Cerelyn Davis (in her official capacity), and DeWayne Smith (as Agent of the City of Memphis) (“City Defendants”) Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) (ECF Dkt.. 81) in excess of the page limits set by Local Rule 12.1(b). City Defendants, through counsel, has indicated that it does not oppose the relief requested by this motion. In support, Plaintiff states as follows:

1. Plaintiff's Complaint against Defendant City of Memphis, Defendant Chief Cerelyn Davis, and other Defendants was filed on April 19, 2023. ECF Dkt. 1.

2. Defendant The City of Memphis and Defendant Chief Cerelyn Davis filed a Motion to Dismiss on July 7, 2023. ECF Dkt. 81.

3. The Defendants' Motion to Dismiss is 20 pages in length and challenges all four of Plaintiffs' distinct federal claims against the City, as well as three distinct state law claims against an individual Defendant and the naming of the Chief of Police. ECF Dkt. 81.

4. Western District of Tennessee Local Rule 12.1(b) provides that memoranda in opposition to motions to dismiss shall not exceed 20 pages without prior Court approval.

5. Given the nature of the case, the variety of complex arguments asserted by the Defendants in its Motion and the relevant case law, additional pages are necessary to adequately address each argument in Defendant's motion.

6. Accordingly, Plaintiffs seek leave to file a 30-page brief in opposition to the City Defendants' motion to dismiss to adequately address each argument.

7. Plaintiff's Counsel met and conferred with Counsel for Defendants and there is no objection in the relief being sought. *See* Certification of Consultation *infra*.

WHEREFORE, Plaintiffs respectfully request leave to file her Response in Opposition to the Motion to Dismiss in excess of the page limits provided by Local Rule 12.1(b) and be afforded 30 pages to respond.

Dated: August 8, 2023

Respectfully Submitted,

/s/ Bryce T. Hensley

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CERTIFICATE OF CONSULTATION

I, Bryce T. Hensley, hereby certify that my office contacted counsel for Defendant City of Memphis and Defendant Chief Cerelyn Davis via email on August 7, 2023, regarding this Motion. On August 7, 2023, counsel for both Defendants, Jennie Vee Silk, responded that the Defendants do not have any objection this Motion.

s/ Bryce T. Hensley
Bryce T. Hensley

CERTIFICATE OF SERVICE

I, Bryce Thomas Hensley, hereby certify that on August 8, 2023, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, and that upon filing, such system will serve a copy of the foregoing upon all counsel of record in this action.

s/ Bryce T. Hensley
Bryce T. Hensley